

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:23-cr-00098

FRANCHOT BARNES,

Defendant.

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ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a two-count superseding indictment. Count 1 charges defendant with conspiracy to distribute and possess with intent to distribute cocaine, in violation of 21 U.S.C §§ 846 and 841(a)(1). Count 2 charges him with attempted distribution of cocaine, in violation of 21 U.S.C §§ 846 and 841(a)(1). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis the he is a danger to the community, 18 U.S.C. § 1342(f)(1); that he poses a serious risk of non-appearance, 18 U.S.C. § 3142(f)(2)(A); and that he poses a serious risk of obstructing justice, 18 U.S.C. § 3142(f)(2)(B). The Court conducted a hearing on October 17, 2023, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of detention regarding risk of non-appearance and detention as to danger to the community. The Court also finds, as explained on the record, that the government has sustained its burden by clear and convincing evidence that he is a danger to the community and that he poses a serious risk of obstructing justice. The Court also finds, as explained on the record, that the government has met its burden by preponderant evidence that the defendant poses a risk of non-appearance. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the safety of the community, the defendant's appearance, and the prevention of efforts to obstruct justice. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on October 17, 2023.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge